

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 268**

**Citations Affected:** IC 16-18-2; IC 16-21-3-4; IC 16-34.5; IC 20-12-29.7; IC 25-22.5-8-5; IC 35-46-5-2; IC 35-46-5-3.

**Synopsis:** Cloning. Declares that human cloning is against public policy. Prohibits the state, a state educational institution, or a political subdivision of the state from using resources to knowingly participate in human cloning activities. Requires the state department of health to revoke the license of a hospital that knowingly allows human cloning activities. Requires the medical licensing board to revoke the license of a physician who knowingly participates in human cloning. Allows Indiana University to establish an adult stem cell research center. Defines adult stem cell and fetal stem cell and provides that research on these types of stem cells is not included in the definition of cloning. Makes: (1) the unlawful participation in; (2) the implantation of or the attempt to implant the product of; and (3) the shipment or receipt of the product of; human cloning a Class D felony. Makes the purchase or sale of a human ovum, zygote, embryo, or fetus a Class C felony. Requires the state department of health to report to the legislative council concerning the feasibility of the state establishing an embryo adoption bank. **(This conference committee report adds: (1) an exemption from the offense of unlawful transfer of a human organism for transfer of an amount for earnings lost due to absence from employment, travel, and recovery time in an amount not to exceed \$3000; and (2) the requirement that the state department of health report to the legislative council concerning the feasibility of the state establishing an embryo adoption bank.)**

**Effective:** Upon passage; July 1, 2005.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 268 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 16-18-2-5.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2005]: Sec. 5.5. "Adult stem cell" means an
- 5 undifferentiated cell that:
- 6 (1) is found in a differentiated tissue;
- 7 (2) is renewable; and
- 8 (3) yields specialized cell types with certain limitations of the
- 9 tissue from which it originated.
- 10 SECTION 2. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE UPON PASSAGE]: Sec. 56.5. (a) "Cloning" means the
- 13 use of asexual reproduction to create or grow a human embryo
- 14 from a single cell or cells of a genetically identical human.
- 15 (b) The term does not include:
- 16 (1) a treatment or procedure to enhance human reproductive
- 17 capability through the manipulation of human oocytes or
- 18 embryos, including the following:
- 19 (A) In vitro fertilization.
- 20 (B) Gamete intrafallopian transfer.
- 21 (C) Zygote intrafallopian transfer; or
- 22 (2) the following types of stem cell research:

1 (A) Adult stem cell.

2 (B) Fetal stem cell, as long as the biological parent has given  
3 written consent for the use of the fetal stem cells.

4 (C) Embryonic stem cells from lines that are permissible for  
5 use under applicable federal law.

6 SECTION 3. IC 16-18-2-128.5 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2005]: **Sec. 128.5. (a) "Fetal stem cell" means**  
9 **any of the following types of stem cells taken from a fetus that was**  
10 **either miscarried or stillborn from any of the following sources:**

11 (1) Placenta.

12 (2) Umbilical cord.

13 (3) Amniotic fluid.

14 (4) Fetal tissue.

15 (b) The term does not include any cells that are taken as the  
16 result of an abortion unless the cells are permissible for use under  
17 applicable federal law.

18 SECTION 4. IC 16-18-2-183.5 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo"**  
21 **means a human egg cell with a full genetic composition capable of**  
22 **differentiating and maturing into a complete human being.**

23 SECTION 5. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE  
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this**  
26 **chapter, the state department shall revoke the license of a hospital**  
27 **licensed under this article if, after appropriate notice and an**  
28 **opportunity for a hearing, the state health commissioner proves by**  
29 **a preponderance of the evidence that the hospital:**

30 (1) knowingly allows the hospital's facilities to be used for  
31 cloning or attempted cloning; or

32 (2) knowingly allows the hospital's employees, in the course of  
33 the employee's employment, to participate in cloning or  
34 attempted cloning.

35 SECTION 6. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS  
36 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
37 PASSAGE]:

#### 38 **ARTICLE 34.5. CLONING**

##### 39 **Chapter 1. Public Policy Against Human Cloning**

40 **Sec. 1. The general assembly declares that human cloning is**  
41 **against public policy.**

42 **Sec. 2. The state, a state educational institution (as defined in**  
43 **IC 20-12-0.5-1), or a political subdivision of the state may not use**  
44 **public funds, facilities, or employees to knowingly participate in**  
45 **cloning or attempted cloning.**

46 SECTION 7. IC 20-12-29.7 IS ADDED TO THE INDIANA CODE  
47 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
48 JULY 1, 2005]:

##### 49 **Chapter 29.7. Adult Stem Cell Research Center**

50 **Sec. 1. As used in this chapter, "center" refers to an adult stem**  
51 **cell research center established under section 2 of this chapter to**

1 carry out the duties specified by this chapter.

2 Sec. 2. The board of trustees of Indiana University may establish  
3 an adult stem cell research center.

4 Sec. 3. The center must be under the administration of the school  
5 of medicine.

6 Sec. 4. The dean of the school of medicine shall appoint the  
7 director of the center.

8 Sec. 5. The board of trustees of Indiana University may receive,  
9 accept, hold, and apply donations, bequests of funds, property,  
10 gifts, and other income in support of the center's purposes.

11 Sec. 6. The center shall:

12 (1) conduct a thorough and comprehensive needs assessment of  
13 the state of science of adult stem cell research; and

14 (2) develop strategies to move Indiana University into the  
15 forefront of the nation in its capacity to attract and retain adult  
16 stem cell researchers.

17 SECTION 8. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE  
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 5. (a) As used in this section, "cloning" has  
20 the meaning set forth in IC 16-18-2-56.5.

21 (b) Notwithstanding IC 25-1-9, the board shall revoke the license  
22 of a physician if, after appropriate notice and an opportunity for  
23 a hearing, the attorney general proves by a preponderance of the  
24 evidence that the physician knowingly participated in cloning or  
25 attempted cloning.

26 SECTION 9. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
28 UPON PASSAGE]: Sec. 2. (a) This section does not apply to in vitro  
29 fertilization.

30 (b) As used in this section, "cloning" has the meaning set forth in  
31 IC 16-18-2-56.5.

32 (c) A person who knowingly or intentionally:

33 (1) participates in cloning;

34 (2) implants or attempts to implant a cloned human embryo  
35 into a uterine environment to initiate a pregnancy; or

36 (3) ships or receives a cloned human embryo;

37 commits unlawful participation in human cloning, a Class D felony.

38 SECTION 10. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE  
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: Sec. 3. (a) A person who knowingly or  
41 intentionally purchases or sells a human ovum, zygote, embryo, or  
42 fetus commits unlawful transfer of a human organism, a Class C  
43 felony.

44 (b) This section does not apply to the following:

45 (1) The transfer to or receipt by a woman donor of an ovum of  
46 an amount for:

47 (A) earnings lost due to absence from employment;

48 (B) travel expenses;

49 (C) hospital expenses;

50 (D) medical expenses; and

51 (E) recovery time in an amount not to exceed three thousand

dollars (\$3,000);  
concerning a treatment or procedure to enhance human  
reproductive capability through in vitro fertilization, gamete  
intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

(A) Adult stem cell.

(B) Fetal stem cell, as long as the biological parent has given  
written consent for the use of the fetal stem cells.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this  
SECTION, "state department" refers to the state department of  
health.

(b) Before November 1, 2005, the state department shall  
investigate and report to the legislative council in an electronic  
format under IC 5-14-6 the following information:

(1) The feasibility of the state creating an embryo adoption  
bank to which embryos in Indiana would be transferred and in  
which the embryos would be stored instead of being destroyed.

(2) The costs of creating an embryo adoption bank.

(3) The legal implications and requirements for the adoption of  
an embryo.

(4) Any other relevant information concerning the state  
creating and embryo adoption bank.

(c) This SECTION expires December 31, 2005.

SECTION 12. An emergency is declared for this act.

(Reference is to ESB 268 as printed March 23, 2005.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 268**

**S**igned by:

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Senator Miller  
Chairperson

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Representative Brown T

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Senator Craycraft

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Representative Brown C

**Senate Conferees**

**House Conferees**